

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF JASPER
APRIL 27, 2010**

The Board of Public Works and Safety of the City of Jasper, Indiana, met in regular session on Tuesday, April 27, 2010, in the Council Chambers of City Hall located at 610 Main Street.

CALL TO ORDER

Presiding Officer Mayor William J. Schmitt called the meeting to order at 8:00 a.m.

ROLL CALL

Mayor William J. Schmitt	Present
Board member Thomas R. Schmidt	Present
Board member Ambrose 'Butch' Schitter	Present

Also present were Police Chief Douglas Tarvin, Street Commissioner Raymond Eckerle, City Engineer Chad Hurm, Personnel/Safety Director Charles Schneider, Building Commissioner David Seger, Fire Chief Kenneth Hochgesang, City Attorney Sandra Hemmerlein and Clerk-Treasurer Juanita S. Boehm.

Clerk-Treasurer Boehm announced that in order to have a quorum for the meeting, a majority of the board members must be present. All three board members were present; therefore, there was a quorum for the meeting.

PLEDGE OF ALLEGIANCE

Mayor Schmitt invited all those present to join him in reciting the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The board members examined the minutes of the regular meeting held on April 13, 2010. Thereafter, a **motion** was made by Ambrose 'Butch' Schitter and seconded by Mayor Schmitt to approve the minutes as published. Motion carried 3-0.

FRIENDS OF THE POOR WALK

Jerry Vaal, representing St. Vincent de Paul Society, asked permission to use the River Walk on September 25, 2010 from 8:00 a.m. to 11:00 a.m. for the third annual Friends of the Poor Walk. Vaal said the route is the same as last year.

City Attorney Sandra Hemmerlein provided Mr. Vaal with the City guidelines for such events.

A **motion** was made by Thomas Schmidt and seconded by Ambrose 'Butch' Schitter to approve the request of St. Vincent de Paul Society to use the River Walk on September 25, 2010 from 8:00 a.m. to 11:00 a.m., with a rain date of September 26; on condition they meet all conditions of the guidelines. Motion carried 3-0.

SECURITY FOR ST. JOSEPH'S CHURCH SUMMER SOCIAL

Robert Whitten, representing St. Joseph's Church, said the parish is having a social on June 6, 2010 and they want the City to provide security on June 4th and 5th from 8:00 p.m. to 5:00 a.m. Police Chief Tarvin said the traffic safety auxiliary assisted with the security the last two years. The Parish is responsible for paying the officers for the time spent providing security.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request of St. Joseph's Church to have security provided on June 4th and 5th from 8:00 p.m. to 5:00 a.m. Motion carried 3-0.

CLOTHING RACKS, TABLES AND CHAIRS ON DOWNTOWN SIDEWALKS

Ann Recker, representing the Greater Downtown Jasper Business Association, made a blanket request for the downtown merchants to temporarily place clothing racks and tables and chairs on the sidewalks in front of their business. Recker said the merchants understand they need to keep at least three feet clear for pedestrians.

Mayor Schmitt said since this Board gave an individual business approval to place tables and chairs on the sidewalk, such items have been appearing at other locations. In the past if a store wanted to place a clothing rack on the sidewalk during a sidewalk sale event, they completed a form obtained at City Hall. Rather than each business come in, he thought it would be a good idea to give a blanket approval with some limitations such as keeping part of the sidewalk open for a walking area.

There was some discussion about the width of the downtown sidewalks and if the walk area should be three or five feet on sidewalks that are twelve feet wide. Dave Seger said there is a minimum of three feet walking area for ADA but the City's standard is five feet.

Mayor Schmitt asked if the tables and chairs should be taken in at night. Ambrose 'Butch' Schitter said we should make it a stipulation that they cannot be attached to the sidewalk. City Attorney Sandra Hemmerlein said when Let's Do Lunch received approval to place tables and chairs on the sidewalk the motion included language that the City could ask them to remove them if necessary.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to give approval in the downtown area where there is at least twelve feet of sidewalk we allow the merchants to display and place tables and chairs and sale items on the sidewalk as long as they leave a minimum of three feet for a path for pedestrians to walk, at the request of the City remove the items for special events, do not attach the items to the sidewalk, and in the event tables and chairs are left out the merchants are responsible for keeping their area clean. Motion carried 3-0.

Under discussion, City Attorney Sandra Hemmerlein reminded Recker that this approval is for temporary things, permanent things would have to come back for encroachment consideration.

Ambrose 'Butch' Schitter said this approval does not refer to free standing signs. Mayor Schmitt said we want to be sensitive during these times and not be too limiting. He agreed the approval does not apply to permanent signs. Hemmerlein said signs must meet and follow the guidelines in the sign ordinance.

GRAND OPENING EVENT

Dave Fischer, representing Fischer Farms Market and Grill, said they are having an outdoor grand opening celebration May 7th thru May 9th. Fischer described the details for the event which includes music provided by a DJ and a live band. The music will end at 10:00 p.m. Fischer said he will provide traffic direction. He also said he is attempting to transfer the liquor license from Accapulco's in time for the event.

The fire chief will get with Fischer if a State entertainment permit is needed.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request to have live music on condition there is no music after 10:00 p.m. and they meet the requirements if any from the State Fire Marshall. Motion carried 3-0.

MEMORIAL DAY OBSERVATION

Ken Schuetter, representing the Dubois County Veterans Council, asked permission to use the City parking lot for firing squads to assemble and to close the Square beginning at 10:15 a.m. for the Memorial Day observation scheduled for Saturday May 29, 2010 at 11:00 a.m. and held on the west side of the Square.

Schuetter said attendance has increased since bleachers were available. He asked if the Park Department could once again bring in 3-4 sets of bleachers for this event.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request of the Dubois County Veterans Council to use the street and the City parking lot for a staging area and give approval to contact the Park Department and make arrangements for the use of bleachers. Motion carried 3-0.

RELAY FOR LIFE RIBBON PROJECT

Amy Kippenbrock, representing the Relay for Life committee, are working on a project called "Paint the County Purple" in order to provide more education and cancer awareness. She asked permission to hang ribbons on twelve lamp posts in the downtown area from May 24 to June 7, 2010. She said the purple ribbons are twelve inches wide and fifty inches long.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the request of Relay for Life to hang ribbons on twelve lamp posts around the Square from May 24th to June 7th. Motion carried 3-0.

CLOSE SIDEWALK

Gene Wallhauser with Wallhauser Roofing is doing work on the old Fischer Book Store building and for safety reasons he wants to close the sidewalk in front of the store, block off the north side of the building, the sidewalk by the utility office drive-thru, the drive-thru area, and two parking spaces in the City Hall parking lot. Wallhauser said he would like to start work at 7:00 a.m.

Because utility bills are due on the 10th of the month, Mayor Schmitt said the best time to block off those areas is after the 10th. The Utility Business Office prefers the 13th or 14th of the month.

After some discussion, the board members recommended not blocking the front sidewalk because it is heavily used.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the days of May 13 and 14 and if the weather does not allow, extend to May 17 and 18 starting at 7:00 a.m. Motion carried 3-0.

BLOCK OFF SIDEWALK

Dan Holmes, representing Mary Hoverer the owner of the rental property at 313 E 8th Street, said tomorrow he would like to replace the concrete steps that are in bad shape. He asked permission to block off 50 feet of the sidewalk in front of the house in order to remove the old steps and a retaining wall.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request of Dan Holmes to block off the sidewalk at 313 E 8th Street during construction but if damage is done to the sidewalk then you will have to replace it. Motion carried 3-0.

City Engineer Chad Hurm was instructed to look at the condition of the particular sidewalk today.

BIKE RACK ON SIDEWALK

Paul Gasser, representing REM Bicycle Shop at 804 Main Street, asked permission to put a bicycle rack on the sidewalk in front of his store for his customers to use.

There was some discussion about if and how to fasten the rack to the sidewalk. Mayor Schmitt said he looked at the area yesterday and there is plenty of room for pedestrians to walk.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the request of REM Bicycle Shop to set a bike rack and have the Planning Commissioner and Street Commissioner go look and see how and

where it should be fastened to the sidewalk in front of their store. Motion carried 3-0.

REPLACE A MECHANIC AND A LABORER

Street Commissioner Raymond Eckerle said two positions at the street department are open. He asked permission to replace a mechanic and a laborer.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to allow the Street Commissioner to start the process to replace a mechanic and a laborer. Motion carried 3-0.

REDEEMER LUTHERAN CHURCH ENTRANCE SIGN

Street Commissioner Raymond Eckerle said Dr. Nancy Otte with Redeemer Lutheran Church located at 140 E 32nd Street made a request to place a street sign marked “Redeemer Way” along Newton Street to identify the entrance to their parking lot.

Eckerle said the entrance is not a city street. He gave examples when white street signs, such as the one they are requesting, are used.

Mayor Schmitt said he thinks the sign will help the church out and it will also let others know that it is not a city street.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request from Redeemer Lutheran Church to place a white identification street sign and accept calling it “Redeemer Way”. Motion carried 3-0.

STREET CLOSING

Street Commissioner Raymond Eckerle said a tree located at the northeast corner of 16th and Jackson Streets and one at the south edge of the lot at 1616 Jackson Street are pushing through the sidewalk. He asked permission to close Jackson Street in order to remove these two trees before replacing the sidewalk that is part of the sidewalk replacement program.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to approve the street commissioner’s request to remove two trees from North Jackson Street for the sidewalk replacement program, close the street for public safety, and notify the area property owners. Motion carried 3-0.

2010 STREET PROJECTS

Street Commissioner Raymie Eckerle distributed a list that contained the 2010 proposed street projects with an estimated cost. He also distributed a report that contained the suggested order for these street projects.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the proposed project list for 2010 for street repaving and reconditioning as presented at this meeting. Motion carried 3-0.

AED PROGRAM

At the last meeting Personnel/Safety Director Charlie Schneider reported about what to do if someone is interested in donating an AED unit to the City. Since that meeting Jasper Youth Baseball Inc. donated a Zoll AED Plus System that will be placed in the concession stand at the sports complex. Schneider asked the Board to accept the donation.

A **motion** was made by Thomas Schmidt and seconded by Mayor Schmitt to accept the AED unit at the sports complex. Motion carried 3-0.

4TH STREET PROJECT

City Engineer Chad Hurm said at a recent meeting with the contractor of the 4th Street project they discussed doing additional sidewalk work to use the balance of the grant money. Hurm explained what work that entailed. There is approximately \$5,900.00 of grant money remaining. The estimated cost to do the additional work is \$7,576.11. Hurm asked for permission to proceed with the additional work.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to go ahead and work with Concrete Pavers to do a portion of the north side of 4th Street not to exceed \$7,576.11. Motion carried 3-0.

WALKING PATH PROJECT

City Engineer Chad Hurm gave an update on the St. Charles Street walking path project. He said several issues have come up. He explained three items that will cost a total of \$10,150.00. He also said there will be some deducts for removal of rip rap, #2 stone and a right-of-way fence totaling \$7,500.00. If approved, there will be a total net add for the project of approximately \$2,650.00. Hurm said since this is a stimulus project, the City is responsible for paying for the overruns.

Ambrose 'Butch' Schitter told Hurm to keep as close to the budget as possible but do the project right. He recommended Hurm proceed with the changes and come back with firm change orders.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the three add-ons, the removal of rock, undercutting, and wedge and leveling as approved by the city engineer and the construction engineer with the estimate as dictated by the city engineer. Motion carried 3-0.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to allow the fence deduct if the property owner agrees not to reinstall that fence and let him take possession if there are no issues with the contractor's rights and the contractor on the project agrees; and allow the deduct for the removal of rip rap and the deduct for #2 stone as described by the city engineer. Motion carried 3-0.

HIGH WEED COMPLAINTS

Fire Chief Kenneth Hochgesang reported to the board the names of property owners and the location that have been cited under 5.12.040 weed removal/notice. The names and locations are as follows:

Owners	Location
Citi Mortgage Inc.	817 E. 15 th Street
Keith and April Boyer	1424 Leopold Street
Darryl and Leanne Huls	1438 Park Street
Judith E. Peavler	802 Third Avenue
Benjamin Harris	2415 Newton Street
Streicher Construction Inc.	Lot 45 Valley View Estates
Marilyn J. Bean	1732 Newton Street
Randall and Earlene Holland	Lots 16, 17, 19 Victory Villa
St. Thomas Properties LLC	616 W 13 th Street

MONTHLY ACTIVITY REPORT

Police Chief Doug Tarvin presented the March 2010 Jasper Police Department Monthly Activity Report for the Board to review.

GRANT

Police Chief Doug Tarvin said because of Evidence Rule 617 he would like to seek grant funding for audio/video recording equipment for the police station. The Indiana Criminal Justice Institute through the 2010 Edward Byrne Memorial Justice Assistance Grant has a program with funding available up to \$10,000.00 plus a 10% match. A new digital recording system would constantly be recording throughout the building and could prove the actions of everyone in case there are any problems. The total cost for a system is \$9,370.72. The City's share would be \$1,040.19 plus the grant portion of \$8330.53.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request of the police department to seek a grant to get audio/visual equipment to meet guidelines of Evidence Rule 617 including the 10% match. Motion carried 3-0.

NATIONAL PEACE OFFICERS WEEK

Police Chief Doug Tarvin said National Peace Officers Week is May 9 thru May 15. He said the Optimist Club will conduct a memorial service honoring the fallen officers during the Respect for Law Dinner when they honor area law enforcement officers. The event will be held on May 11, 2010 at 6:30 p.m. at the Habig Center.

Tarvin asked if the City would lower its flags to half staff on May 15 which is Peace Officers Memorial Day.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve and observe May 9 thru May 15 and issue a proclamation for National Peace Officers Week. Motion carried 3-0.

TRAIN WEBSITE

Lois Kuntz said the train website should be up and running this week.

EASEMENTS

City Attorney Sandra Hemmerlein presented the following easements for acceptance and approval:

Grant of Permanent Public Utility and Drainage Easement

Earl R. Epple a/k/a Earl Epple and Janet L. Epple a/k/a Janet Epple
Part of Lots 14, 15, and 16 and Part of Lots 21 and 22 in Rolling Hills Addition

Eugene A. Hochgesang and Jane A. Hochgesang
Part of vacated "C" Street

Dennis Frieler a/k/a Dennis R. Frieler and Debbie Frieler a/k/a Deborah S. Frieler
Part of Lots 13, 19, and 20 in Rolling Hills Addition

Lawrence A. Nordhoff and Jennifer L. Nordhoff
Part of Lots 17 and 18 in Rolling Hills Addition

Mark A. Schroering and Carol J. Schroering
Parts of Lots 11 and 12 in Rolling Hills Addition

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve and accept the easements as described by the City Attorney. Motion carried 3-0.

ADJOURNMENT. There being no further business to come before the board, a **motion** was made by Thomas Schmidt and seconded by Ambrose 'Butch' Schitter to adjourn the meeting. Motion carried 3-0 and the meeting adjourned at 10:10 a.m.

The minutes were hereby approved ____ with ____ without corrections or clarification this ____ day of _____, 2010.

Mayor William J. Schmitt
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, Recording Secretary